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Japan in Furor Over Spy Plan

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TOKYO, June 21 — Japan's governing party, saying that a crackdown on spies is long overdue, has submitted legislation authorizing the death penalty for anyone convicted of espionage that "severely endangers national security."

The proposed law has drawn denunciations from opposition parties, human-rights activists and newspapers, and as a result its passage by Parliament this year is highly improbable. Opponents complain that the bill is ambiguously worded, saying it would inhibit the press and interfere with the public's "right to know."

"The Espionage Prevention Bill absolutely must not be passed," the newspaper Asahi said in a recent editorial. "Its contents trample on the spirit of our peace Constitution at its very foundation."

Although the legislation is almost certain to be defeated, the fact that the governing Liberal Democratic Party even bothered to introduce it showed a concern, shared by many members of Parliament, that Japan has become, in a commonly used phrase, a "spy's paradise."

The likelihood is that the ruling party, a coalition of conservative factions, will keep pressing until some sort of anti-espionage bill is passed.

Lack of Comprehensive Law

Since the end of World War II, Japan has had no comprehensive law against spying, a situation described as "a joke" by Kiyoshi Mori, a Member of Parliament who drafted the proposed statute.

For the last 40 years, the prevailing logic has been that since, technically, Japan has no military, it cannot have any military secrets requiring special protection.

The country's postwar Constitution, imposed during the United States Occupation, says that "land, sea and air forces, as well as other war potential, will never be maintained."

In 1954, the Government ruled that this did not preclude self-defense, and since then Japan has maintained so-called Ground, Maritime and Air Self-Defense Forces. But officially, the polite fiction remains that the country has no army, navy or air force.

Despite the "spy's paradise" label, there is no evidence that Japan suffers from foreign espionage significantly more than other major industrial countries. Much of the spying here involves attempts to acquire high technology know-how, leading, to cite one recent example, to the expulsion last year of a Bulgarian diplomat.

The last known instance of military espionage occurred in 1980 when a retired army major general, Yukihisa Miyanaga, was charged with passing Defense Agency documents to a Soviet attaché.

General Miyanaga was found guilty under a narrowly defined law governing the theft of official documents, and he received the maximum prison sentence of one year. Under the criminal code, he also could have been given a fine of \$120.

Why the Press Objects

Since the Miyanaga case, Liberal Democratic committees have drafted several possible antiespionage bills. Gradually, they have toughened the provisions, and this year marked the first time that legislation was formally submitted to Parliament.

It was a coincidence that it came during the unfolding of the American spy case involving John A. Walker Jr. and his family.

The absence of formal endorsement by the Cabinet of Prime Minister Yasuhiro Nakasone suggested a lack of enthusiasm for the bill by relevant Government agencies, but their support, though important, is not essential if conservative politicians are intent on enacting a law.

The bill calls for the death penalty when espionage involving defense and diplomatic secrets "severely endangers" the nation's security. What "severely endangers" means is not clear; nor is the precise definition of "diplomatic secrets," a phrase that opponents of the bill attack as overly vague.

Even in cases judged to be no threat to national security, the proposed law calls for sanctions, such as a possible five-year prison term for "a person who divulges to others secrets of the state."

The purpose of this provision, the Liberal Democrats say, is to "eliminate any unguarded point that might be taken advantage of by spies."

But press editorials have protested that the effect would be to interfere with news-gathering since, in theory, any official who gives restricted information to reporters could be prosecuted.